

Court of Appeals, Division One

Criminal - Anders Appeal

1 CA-CR 15-0301

STATE v. LEWIS

Appellate Case Information

Case Filed: 7-May-2015

Case Closed:

Dept/Composition

Department B

Hon. Samuel A Thumma
Hon. Maurice Portley
Hon. John C Gemmill

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Joseph T Maziarz, Esq. (AZ Bar No. 9212)

Side 2. JESSIE LEWIS, Appellant

(Litigant Group) JESSIE LEWIS

- Jessie Lewis

Attorneys for: Appellant

Paul J Prato, Esq. (AZ Bar No. 2609)

CASE STATUS

Dec 22, 2016....Pending Closure

PREDECESSOR CASE (S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2014-146307-001	Misconduct Involving Weapons, Class 4	11 Years	John R Ditsworth, Sentencing	JURY	

DESCENDENT CASE (S)

ASC CR-16-0329-PR

OPEN DUE DATE

Stay request (re: Writ of Certiorari) due

Due By: Wednesday, January 11, 2017

Re: Minute Letter of ASC: Petition for Review DENIED

CASE DECISION

28-Jul-2016 **MEMORANDUM DECISION**

Samuel Thumma.....Author
 Maurice Portley.....Concur
 John Gemmill.....Concur

Filed: 28-Jul-2016 Mandate:

Decision Disposition

Affirmed

76 PROCEEDING ENTRIES

- 7-May-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 05/01/15. Notification to Court Reporters dated 05/06/15.
- 13-May-2015 ORDERED: Appointing Maricopa County Public Defender as counsel for appellant. FURTHER ORDERED: Transcripts due 06/26/2015. Anthony Mackey ProTem Judge - Author
- 13-May-2015 FILED: Reporters Transcript (03/19/15 [Karen Dawson])
- 19-May-2015 FILED: Reporter's Transcripts - Trial cont'g - 3/18/15 AM (Luz Franco)
- 12-Jun-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 03/12/2015 List # 5 6 10 11 16 17 20 21 22 23 26 27 28 in manila envelope
Hearing Date 05/01/2015 List # 1 2 3 4 5 6 7 8 9 10 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope

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6. 12-Jun-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None
7. 10-Jul-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
8. 14-Jul-2015 ORDERED: Court Reporter Karen Dawson transcripts dated 3/11/15, 3/12/15, 3/17/15, 3/19/15, 3/23/15, 5/1/15 due 8/13/15. Hon Samuel A Thumma - Author
9. 14-Jul-2015 ORDERED: Court Reporter Laura Ashbrook transcript dated 3/18/15 due 8/13/15. Hon Samuel A Thumma - Author
10. 14-Jul-2015 ORDERED: Court Reporter Rochelle Dobbins transcripts dated 2/6/16, 3/4/15, 3/9/15 due 8/13/15. Hon Samuel A Thumma - Author
11. 14-Jul-2015 ORDERED: Ken Crenshaw transcript dated 9/30/14 due 8/13/15. Hon Samuel A Thumma - Author
12. 20-Jul-2015 FILED: Reporter's Transcript - 9/30/14 - Status Conference (Janice Penfield)
13. 13-Aug-2015 FILED: Reporters Transcript (05/01/15 [Karen Dawson])
14. 13-Aug-2015 FILED: Reporters Transcript (03/11/15 [Karen Dawson])
15. 13-Aug-2015 FILED: Motion for Extension of Time to File Transcripts (Laura Ashbrook)
16. 13-Aug-2015 FILED: Motion for Extension of Time to File Transcripts (Karen Dawson)
17. 18-Aug-2015 ORDERED: Motion for Extension of Time to File Transcripts (Laura Ashbrook) = GRANTED/Transcript dated 03/18/15 due date EXTENDED from Thursday, 08-13-2015 to Thursday, 09-17-2015 or OSC 10/07/15. Hon Samuel A Thumma - Author
18. 18-Aug-2015 ORDERED: Motion for Extension of Time to File Transcripts (Karen Dawson) = GRANTED. Due Dates EXTENDED to 09/17/2015 for Transcripts dated 03/12/2015, 03/17/2015, 03/23/2015, 03/11/2015 or OSC on 10/07/2015. Hon Samuel A Thumma - Author
19. 3-Sep-2015 ORDERED: Court Reporter Rochelle Dobbins to appear for OSC on 09/16/2015. Hon Samuel A Thumma - Author
20. 14-Sep-2015 FILED: Reporter's Transcripts - 02/06/2015 - (Rochelle L. Dobbins)
21. 14-Sep-2015 FILED: Reporter's Transcripts - 03/04/2015 - (Rochelle L. Dobbins)
22. 15-Sep-2015 FILED: Reporter's Transcript - 03/09/2015 - Evidentiary Hearing (Rochelle L. Dobbins)
23. 17-Sep-2015 FILED: Reporters Transcript (03/17/15 [Karen Dawson])
24. 17-Sep-2015 FILED: Reporters Transcript (03/23/15 [Karen Dawson])
25. 22-Sep-2015 ORDERED: A Monetary Sanction is Imposed On Rochelle Dobbins in the Amount of \$100 for Failure to Timely File the Transcripts Due in This Case. Hon Samuel a Thumma - Author
26. 23-Sep-2015 FILED: Reporter's Transcript - 03/18/15 - (Laura Ashbrook)
27. 30-Sep-2015 FILED: Reporters Transcript (03/12/15 [Karen Dawson])
28. 6-Oct-2015 FILED: Reporters Transcript (03/11/15 [Karen Dawson])
29. 19-Oct-2015 FILED: Notice of Completion of Record
30. 30-Oct-2015 FILED: Inquiry (Letter dated 10/30/2015 re: Attorney for appellant (Appellant))
31. 6-Nov-2015 FILED: Reporters Transcript (04/27/15, 04/29/15) [Karen Dawson]

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32. 10-Nov-2015 FILED: Motion to Supplement the Record and Motion to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
33. 12-Nov-2015 FILED: Letter, 11/12/15, from Court to Appellant, enclosing copy of docket
34. 17-Nov-2015 ORDERED: Motion To Supplement The Record (Appellant) = GRANTED/Transcripts due 12/11/15. FURTHER ORDERED: Motion to Extend Time for Filing Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Thursday, 12-03-2015 to Monday, 01-11-2016 Anthony Mackey ProTem Judge - Author
35. 6-Jan-2016 ORDERED: Ken Crenshaw to prepare transcript dated 11/18/2014 due by 01/22/2016 or OSC on 02/03/2016. FURTHER ORDERED: Court Reporter Rochelle Dobbins to prepare transcript dated 03/09/2015 due by 01/22/2016 or OSC on 02/03/2016. FURTHER ORDERED: Extending the time for the filing of the Opening Brief to and including 02/22/2016. Anthony Mackey ProTem Judge - Author
36. 8-Jan-2016 FILED: Reporters Transcript - 11/18/2014 - (Dawn Carrero)
37. 21-Jan-2016 ORDERED: Monetary sanction imposed on Rochelle Dobbins in the amount of \$100 shall be paid such that payment in that amount is received by this court no later than 3:00 p.m. on 01/28/16 or OSC 02/03/16. Hon Samuel A Thumma - Author
38. 22-Jan-2016 FILED: Motion Requesting for New DNA Testing (Appellant Pro Per)
39. 2-Feb-2016 RECEIPT No.: 2016-00136 ; \$100.00, Check Number: #238, Applied to: Rochelle Dobbins - \$100 Sanction (\$100.00) Paid for: - By Rochelle L Dobbins
40. 9-Feb-2016 FILED: Renewed Motion to Supplement the Record and Motion to Extend Time for Filing Opening Brief; Certificate of Service (Appellant)
41. 16-Feb-2016 ORDERED: Motion Requesting for New DNA Testing (Appellant Pro Per) = DENIED. Anthony Mackey ProTem Judge - Author
42. 16-Feb-2016 ORDERED: Court Reporter Rochelle Dobbins transcript dated 03/09/15 due 02/29/16 or OSC 03/02/16. FURTHER ORDERED: Opening Brief due date EXTENDED from Monday, 02-22-2016 to Monday, 03-21-2016. Anthony Mackey ProTem Judge - Author
43. 29-Feb-2016 FILED: Reporters Transcript - 03/09/2015 - (Rochelle Dobbins)
44. 15-Mar-2016 FILED: Appellant's Opening Brief; Certificate of Compliance with Rule 31.13(b), ARCP; Certificate of Service (Appellant)
45. 15-Mar-2016 FILED: Motion for Leave to Allow Appellant to File Supplemental Brief In Propria Persona; Certificate of Service (Appellant)
46. 16-Mar-2016 ORDERED: Allowing appellant to file supplemental brief in propria persona; FURTHER ORDERED: Counsel to send copy of record to appellant, and copy of transmittal letter to Clerk/AG; FURTHER ORDERED: Appellant may raise additional points on/before 4/25/16; FURTHER ORDERED: Answering brief to await court order. Anthony Mackey ProTem Judge - Author
47. 23-Mar-2016 FILED: Letter, 3/22/16, from Counsel to Appellant, forwarding record on appeal (Appellant)
48. 11-Apr-2016 FILED: Motion Requesting an Order for New DNA Testing Pursuant to A.R.S. 13-4240 (A)(1)(2)(3); A.R.S 13-610 (A)(0)(1); and Under 18 U.S.C.A. 3600 (Appellant)
49. 11-Apr-2016 FILED: Motion to Supplement the Record and Motion to Extend Time for Filing a Supplemental Brief (Appellant)
50. 14-Apr-2016 FILED: Motion Requesting an Order for Any and All Officail Court Pleas, Probation, Parole Documents (Appellant)
51. 18-Apr-2016 ORDERED: Motion Requesting an Order for New DNA Testing Pursuant to A.R.S. 13-4240 (A)(1)(2)(3); A.R.S 13-610 (A)(0)(1); and Under 18 U.S.C.A. 3600 (Appellant) = DENIED. FURTHER ORDERED: Motion to Supplement the Record (Appellant) = DENIED. FURTHER ORDERED: Motion Requesting an Order for Any and All Officail Court Pleas, Probation, Parole Documents (Appellant) = DENIED. FURTHER ORDERED: Motion to Extend Time for Filing a Supplemental Brief (Appellant) = GRANTED/Due date EXTENDED from Monday, 04-25-2016 to Monday, 05-23-2016. Anthony Mackey ProTem Judge - Author
52. 22-Apr-2016 FILED: Anders Supplemental Opening Brief (Appellant Pro Per)
53. 27-Apr-2016 FILED: Certificate of Mailing re: Appellant Requesting an Order for Releasing all Audio Recording of all Court Proceedings (sic)
54. 27-Apr-2016 FILED: Appellant Requesting an Order for Releasing all Audio Recording of All Court Proceedings (Appellant)

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55. 27-Apr-2016 FILED: Notice - The Record on Appellant Appeal is Incomplete - Rule 31.10 (Expedited Consideration Requested) (Appellant Pro Per)
56. 2-May-2016 ORDERED: Appellant Requesting an Order for Releasing all Audio Recording of All Court Proceedings (Appellant) = DENIED. FURTHER ORDERED: Notice - The Record on Appellant Appeal is Incomplete - Rule 31.10 (Expedited Consideration Requested) = DENIED. Anthony Mackey ProTem Judge - Author
57. 3-May-2016 FILED: Assigning Anders appeal to Dept B for consideration and disposition. [Ruth Willingham, Clerk]
58. 3-May-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
59. 6-May-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
60. 13-May-2016 FILED: Certificate of Compliance (Appellant Pro Per)
61. 23-Jun-2016 FILED: Third Motion Requesting An Order for New (DNA) and (Fingerprint) Deoxyribonuclein Acid Testing Pursuant to A.R.S 13-4240 (A)(1)(2)(3) Ariz. Const. Art II 4 +14th Amend; A.R.S 13-610 (A)(0)(1); Also U.S.C.A 3600 (2)(1) (Appellant)
62. 29-Jun-2016 FILED: Appellant Requesting An Order for Two Transcripts Which Appellant Have Been Deprive of by the State of Arizona (Appellant)
63. 29-Jun-2016 FILED: Appellant Requesting for an Order for Correction or Modification of the Record Pursuant to Rule 31.8 (h); and Designation of Record and This Court Order Appellant Two Missing Transcripts (Appellant)
64. 11-Jul-2016 FILED: Inquiry As to the State Response to Appellant Supplemental Brief (Appellant)
65. 20-Jul-2016 FILED: Designation of Record Two Missing Transcript for Appeal (Appellant)
66. 25-Jul-2016 FILED: Motion for Expedited Order to Order the State of Arizona to Answer (Appellant)
67. 28-Jul-2016 MEMORANDUM DECISION (Affirmed) Hon Samuel A Thumma - Author; Hon Maurice Portley - Concur; Hon John C Gemmill - Concur (Motion for reconsideration extended thirty days from date of this decision.)
68. 28-Jul-2016 FILED: Memorandum Decision Distribution List
69. 25-Aug-2016 FILED: Email Notice from ASC re: Petition for Review filed 8/25/16; request for partial record
70. 30-Aug-2016 FILED: Letter, dated 08/30/2016 to Appellant from Counsel re: Right to File Petition for Review (Appellant)
71. 31-Aug-2016 FILED: ASC Order filed 08/21/2016 re: denying motion as moot (Motion for Extension of Time in which to File Pro Per Petition for Review)
72. 6-Sep-2016 FILED: Letter forwarding partial record to Arizona Supreme Court
73. 12-Sep-2016 ORDERED: Motion for Expedited Order to Order the State of Arizona to Answer (Appellant) = DENIED/As moot and to the extent Appellant's "An Order Designation of Record Two Missing Transcript for Appeal" seeks any relief from this court, it is DENIED as moot. Hon Samuel A Thumma - Author
74. 9-Nov-2016 FILED: Courtesy Copy - Notice of Post-Conviction Relief filed in Maricopa County Superior Court on 11/07/2016
75. 22-Dec-2016 FILED: Notice of Change of Address (Appellant Pro Per)
76. 22-Dec-2016 FILED: Letter from ASC, 12/22/2016, re: Petition for Review DENIED on 12/22/2016